



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

**PUBLIC ACCESS COUNSELOR  
LUKE H. BRITT**

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317)233-9435  
Fax: (317)233-3091  
1-800-228-6013  
[www.IN.gov/pac](http://www.IN.gov/pac)

June 30, 2015

Mr. Robert Woods #855254  
New Castle Correctional Facility  
P.O. Box A  
New Castle, IN 47362

*Re: Formal Complaint 15-FC-171; Alleged Violation of the Access to Public Records Act by the Legislative Services Agency*

Dear Mr. Woods,

This advisory opinion is in response to your formal complaint alleging the Legislative Services Agency ("LSA") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* Mr. George Angelone, Esq., Executive Director has responded to your complaint. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on May 27, 2015.

## **BACKGROUND**

Your complaint dated May 27, 2015 alleges the Legislative Services Agency failed to comply with the Access to Public Records Act by improperly denying your public records request.

On May 7, 2015, you requested a copy of any law or policy which allows the Department of Corrections to mandate rehabilitative treatment for incarcerated sex-offenders. On May 18, 2015, the LSA denied your request, citing lack of reasonable particularity. The LSA also determined that in order to comply with your request, it would need to make a legal determination as to the meaning of the applicable law and enter into an attorney-client relationship with you. The LSA is not allowed to represent individuals. Instead, you were directed to the Ombudsman Bureau.

You take exception to the denial for lack of particularity.

On June 4, 2015 LSA responded. It reasserted its contention your complaint lacks reasonable particularity. LSA also notes your request would require a legal analysis of all



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

**PUBLIC ACCESS COUNSELOR  
LUKE H. BRITT**

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317)233-9435  
Fax: (317)233-3091  
1-800-228-6013  
[www.IN.gov/pac](http://www.IN.gov/pac)

laws which potentially may apply to your situation. LSA contends you are asking their agency to make a legal opinion and notes it cannot do so for you.

## ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Legislative Services Agency is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy LSA's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

LSA raises a question of particularity. Reasonable particularity is not defined under the APRA; however, you have asked more for an interpretation or legal guidance rather than a particular record. If you are seeking a precise record, you must state what you are seeking with relative specificity. Stating "all laws" applying to a particular situation leaves the public agency to guess which information is truly responsive to your request. In doing so, it would be making a legal determination or at the very least, doing legal research on your behalf. Such is not the purpose of the Legislative Services Agency. Additionally, because LSA is a public entity, it cannot represent private individuals or give them legal advice. Please note, a private attorney or a public defender could interpret the law for you in a representative capacity.

## CONCLUSION

For the foregoing reasons, it is the Opinion of the Public Access Counselor the Legislative Services Agency has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written over a horizontal line.

Luke H. Britt



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

**PUBLIC ACCESS COUNSELOR  
LUKE H. BRITT**

---

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317)233-9435  
Fax: (317)233-3091  
1-800-228-6013  
[www.IN.gov/pac](http://www.IN.gov/pac)  
Public Access Counselor

Cc: Mr. George Angelone, Executive Director